

LAW OFFICES OF
BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

A PROFESSIONAL CORPORATION
THE WATERFRONT BUILDING
2749 HYDE STREET
SAN FRANCISCO, CALIFORNIA 94109
Facsimile (415) 353-0990

SENDER'S DIRECT E-MAIL:
elowry@bfesf.com

SENDER'S DIRECT DIAL:
(415) 353-0999 ext. 106

December 21, 2017

Hon. Maria-Elena James
San Francisco Courthouse
450 Golden Gate Avenue
Courtroom B-15th Floor
San Francisco, California 94102

Re: *Doe v. Napa Valley Unified School District et al.*
U. S. District Court, Northern District of CA Case No. 3:17-cv-03753-SK
Our File No. NBS 5531

Your Honor:

I am writing to request that Your Honor keep the settlement conferences on calendar as scheduled in order to keep this case proceeding in an orderly fashion. If Plaintiff's counsel is unavailable for the conferences, the District does not object to scheduling a further date when he and his client are both available to attend. The currently scheduled conferences will provide an opportunity for the other parties to the action to work towards resolving their claims against one another. It will also provide an opportunity for those claimants who have not yet filed lawsuits against the District to attempt to resolve their claims.

At the Initial Case Management Conference held on October 2, 2017, the Parties agreed, and Judge Kim ordered, that this case be referred to Your Honor for an early settlement conference. After that referral, Eugene B. Elliot, counsel for the District, discussed with Your Honor the District's goal of bringing the claimants who had not yet filed lawsuits to the settlement conference in an attempt to fully and finally resolve all claims related to the alleged hazing incidents against the District. During that conversation, and as a result of the number of parties who may become involved in the settlement conference, it appeared that multiple dates for settlement conferences would be beneficial. Your Honor thereafter vacated the previously scheduled settlement conference date of November 17, 2017 and set three new settlement conference dates in January 2018. (Docket No. 53.)

In addition to Plaintiff's claims, there are a number of issues to be determined during the course of the settlement conferences. On December 8, 2017, Defendant J.T. filed an affirmative cross-claim against the District regarding the manner in which it handled his discipline and expulsion related to the events described in Plaintiff's complaint. (Docket No. 58.) He brings causes of action under Title IX and due process claims under 42 U.S.C. § 1983. The District and

LAW OFFICES OF
BERTRAND, FOX, ELLIOT,
OSMAN & WENZEL

Hon. Maria-Elena James
December 21, 2017
Page 2

the minor defendants in this case all have potential cross-claims against one another. Three other students who have presented tort claims against the District have agreed to attend and participate in the settlement conferences. Given the number of parties involved in the lawsuit, and their availability for the currently scheduled conferences, it would be beneficial to all those involved to keep them on calendar. The District is, of course, happy to work with Plaintiff's counsel to find an additional agreeable date for a settlement conference with Plaintiff and does not object to his not being present at the currently scheduled settlement conferences.

Very truly yours,

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

By: /s/ *Ethan Lowry*
Ethan M. Lowry